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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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POPEK, EXAMINER

25M1/0624

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ART UNIT PAPER NUMBER

2511

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DATE MAILED:

06/24/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on April 5, 1996
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 63 to 84 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 70 to 73 is/are allowed.
- ☒ Claim(s) 63 to 69, 74, 75, 76/74, 78/75, 79/74, 79/75, 80, 81, 84/80 and 84/81 is/are rejected.
- ☒ Claim(s) 76, 77, 78/76, 78/77, 82, 83, 84/82 and 84/83 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Serial Number: 407,916

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Art Unit: 2511

This Action is in response to the Amendment filed on April 5, 1996.

Claims 63 to 84 are pending in the application.

The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as the specification, as originally filed, does not provide support for the invention as is now claimed.

In claim 63, lines 9 to 20, the newly claimed steps of writing data into at least some of the erased first combination of sectors, followed by the designation of a second combination different from the first combination, followed by the step of erasing the second combination, and after the erasure of the second combination writing data into at least some of the second combination finds no support in the specification as originally filed. Dependent claims 64 to 69 fall with the independent claim since they too have no support in the original specification.

Claims 63 to 69 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 74, 75, 78/74, 78/75, 79/74, 79/75, 80, 81, 84/80 and 84/81 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mitsuishi et al.

See fig. 1B of Mitsuishi.


See column 9, line 66 to column 10, line 30. Also, column 2, lines 37 to 42. Fig. 1B of Mitsuishi is directed to a flash EEPROM comprising multiple sectors 11 of flash EEPROM cells, a logic circuit 35 to enable erasure of any sector, and an erase circuit 36 coupled to erase together all the enabled sectors.

Claims 76, 77, 78/76, 78/77, 82, 83, 84/82 and 84/83 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Joseph Popek at telephone number (703) 308-0956.

 Popek/tj

June 21, 1996


JOSEPH A. POPEK
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GROUP 2500